



**FRESHWATER PARISH COUNCIL**  
**Parish Office 01983 752000**

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**MINUTES OF A MEETING OF THE FRESHWATER PARISH COUNCIL HELD ON  
TUESDAY 3<sup>rd</sup> SEPTEMBER 2024 AT 8.00 PM IN THE LARGE HALL, MEMORIAL  
HALL, FRESHWATER**

**PRESENT:** Councillors: E Cox (Chair), T Armstrong, A Bamford, B Hinton MBE, C Bray, D Hicklin, B Hobbs, D James, C Jarman, G Kennett (until 8.54), F Turan and W Whyte.

Members of the public: 8 including Cllr Spink

Clerk: H Rowell

**1. APOLOGIES:**

Councillor: N Thomas

**2. TO AGREE THE MINUTES OF THE FRESHWATER PARISH COUNCIL  
MEETINGS HELD ON THE 6<sup>th</sup> AUGUST 2024, AND THE EXTRAORDINARY  
MEETING HELD ON THE 15<sup>th</sup> AUGUST 2024.**

The minutes of the meeting held on the 6<sup>th</sup> August (having been circulated) were agreed (AB/BH) with three abstentions. The minutes of the meeting held on the 15<sup>th</sup> August were deferred until the next meeting.

**3. TO INVITE COUNCILLORS TO DECLARE AN INTEREST IN MATTERS ON  
THE AGENDA.**

None.

**4. TO RECEIVE QUESTIONS ON THE AGENDA FROM MEMBERS OF THE  
PUBLIC (UP TO 15 MINUTES).**

None.

**5. TO ACCEPT WRITTEN REPORTS FROM FRESHWATER WARD  
COUNCILLORS.**

Written reports have been received from Cllr Spink and Cllr Jarman (see Appendix 1).

**6. CHAIR'S REPORT**

The last month has been challenging for the Parish Council, as we have responded to the IW Council IPS regulation 19 consultation and managed the Parish response to the planning

application at Heathfield Farm. I would like to thank Councillors for their support where given.

8th August - The Clerk and myself attended a meeting at Dimbola hosted by Cllr Hinton and Kelly Wetherick to discuss the Lady of Shallot project. We clarified the amount outstanding in agreed funding for the project which is approximately £2334.

It has been confirmed by the Sculptor that the Statue is now the property of Dimbola.

Dimbola has created a working group to complete the project and Kelly Wetherick is the lead member of the group. Kelly is a recent addition to the team at Dimbola and is very keen for the working group to lead on the project moving forward.

The Dimbola team asked that we express their gratitude for the work and assistance given by Parish Councillors for enabling the project to happen. It was requested that we give particular thanks to Cllr James on their behalf. It is felt at this point that it would be appropriate for FPC to step back from the project and allow the working group to complete the project.

12 August - I attended the Land Management committee meeting and the Boat Park committee meetings.

The Land management agendas always appear short but the amount of information shared is varied and interesting. I look forward to their report at this meeting.

The Boat Park meeting was informal with no set agenda, it was a good general discussion on the future aims of the committee and again I look forward to their report.

13 August - I reported a falling tree on Black Hut Green, sadly another tree lost to Ash dieback. Please can we all remain vigilant where our trees are concerned and report to Cllr Bray, or the office team, if similar issues regarding trees are noticed or reported to us by the public. Cllr Bray is a very hard working member of the parish council but she can not be expected to be all seeing and we have a lot of trees.

15 August - I requested an additional meeting of the Parish Council be called for this date to enable Parish Councillors to make final determinations on our submission in response to the IW Council IPS regulation 19 consultation. At the previous planning meeting on the 6th August it was determined that Councillors required additional support and guidance in filling the forms for the IW Council. It was decided at the 6th August meeting, that each group would choose 3 submissions from their reports produced for the meeting on the 6th August. This decision was taken due to the amount of work required by the staff and their availability to complete the work before the deadline. I urged a Councillor who had not engaged with groups that if they wanted to have their comments included to speak to the group leads before the meeting on 15 August.

At the meeting it became clear that the task of submission was considered difficult. Cllr James raised issues with the form itself, informing Councillors the form had been changed following his comments the previous day. It was determined to ask the Clerk to add an agenda item at the next full council meeting to further discuss the process and a possible response to the IW Council.

At the meeting each group was asked for their chosen submissions and each time I asked did anyone have anything to add or comment on following the group choices. Comments were made by Councillors but no one asked that the submissions be changed from one choice to another. My group worked on Economy, I asked for Councillors to choose which sections in Economy should be progressed, there were no choices offered. I stated that the Economy group would progress E1, E2 and E3 because they were the first 3 unless anyone objected, no one did.

After the groups had chosen their submissions and they had been agreed by the Councillors, I asked a Councillor whether they had contacted the groups concerning their comments before the meeting, they replied no. They had not requested during the meeting debates that their comments be considered or included. The Councillor then suggested that they work with another Councillor over the weekend and agree submissions to include their comments. I stated it was not possible to act in that way as the comments would not be ratified by the full council. They stated that the comments would be in line with official Parish Policy, so I asked for clarity of policy. They stated the policy on hard boundaries, I clarified that this is not an official Parish Policy, it was a response to a consultation and the Parish Council never changed any Policy to reflect that response.

Cllr Whyte requested a history and clarity of the situation which I gave. It was accepted by the majority of Councillors and the Clerk that I was correct in the information I gave. Cllr James offered to assist the Councillor to submit their own comments in their own name and I urged them to do so.

I wish to make the following statement

I declared an interest at the planning meeting 6th August for transparency, I declared that I was dating Cllr Paul Fuller who has the Cabinet portfolio including planning at the IW Council, this role includes overseeing the IPS. I requested that councillors be canvassed to ensure that all councillors were happy for me to continue to participate in the process. No councillor objected to my continuing the process in line with usual practice.

No individual Councillor is permitted to submit answers to a consultation in the name of the Parish Council without those answers being ratified by Full Council and submitted by officers on their behalf. They are however entitled to submit as a Parish Councillor provided that in their submission it is clear it is their personal response. Alternatively, they are entitled to submit as a private individual.

I called an additional meeting enabling a Councillor to have time to speak to the groups they wanted to have input on before ratification of the Council's submissions. I am not responsible for the Councillor not engaging in the process correctly, they received the same notifications as all other Councillors of every meeting and the agendas for those meetings.

I did not choose who would be in each group, it was a personal choice for each member. At no point did I interfere with any group, suggest they alter, cut any of their content or add to their responses. I did not suggest or comment on each group submission other than press for 3 choices to enable ratification on their comments by the Full Council.

I took no part in any vote at the meeting on the 15th August other than to conduct the vote, ensuring that proposals were clear for Councillors to vote on. I did not vote myself.

I suggested that the IPS regulation 19 response by FPC be attached to planning meetings prior to the start of the consultation. I believed it would give the most opportunity for councillors to support each other and allow the public to attend the most meetings if they wished to do so. Groups were determined before the consultation began, although not all councillors contributed, that was their personal choice. This allowed groups to begin meeting from the first day of the consultation which was when the IPS regulation 19 version was released to the public.

No members of the public attended any of the 3 planning meetings to comment on the IPS regulation 19 consultation, to my knowledge prior to the meeting of 15 August no member of the public contacted the office with requests for comments to be considered for inclusion in the process. I was not contacted prior to the meeting 15 August by any person outside of Council members and officers to discuss, or to inform me, of any comment they wanted to be considered as part of the process.

I would like to thank each Councillor who participated in the consultation, it was not an easy task. I would like to thank the officers for their hard work in supporting Councillors during the process.

16 August - I attended the Skatepark Committee meeting at the request of the Clerk to make the meeting quorate. I was only able to attend for 1 hour due to short notice, this limited the time available for members of the group to attend to their business.

19 August - the Clerk and myself attended a meeting of the West Wight Councils Group in Brighstone. The meeting was quite well attended by member groups and Cllrs Paul Fuller and Penny Acton from Gurnard Parish Council. The first item on the agenda included the proposed CO2 pipeline, this was the reason for the attendance of councillors from Gurnard. If the pipeline is to cross the Solent it will make landfall within the Parish of Gurnard. The issue was debated for some time and although opinions differed on the approach that should

be taken by councillors, it was viewed by those present that the proposal was of great concern. It was agreed that all present would give feedback to their own Councils.

The group was concerned with the lack of benefits to the Island and it was felt that the response needed a whole island approach. The proposal raised many questions and too few answers, we discussed attending the Teams meetings offered by the project team. It was resolved that a letter would be sent from the group to the Solent Team detailing some of the Group's concerns.

Councillor Nick Stuart informed us that he had started a petition and asked if we would sign it. It was felt this needed to come to full council for discussion and to agree an approach for FPC.

It was agreed to advertise the position of Clerk for the Group, I had suggested we rotate the Clerk position amongst our Clerks but this was declined.

We briefly discussed school closures, those Councils who still have primary schools were the most concerned and we await the outcome of a decision being made by the IW Council.

The Military Road was discussed, but no clear way forward was agreed. The IW Council can not afford to re-route the road and the Government has not at present offered to fund the project. Councillor Whyte questioned the price tag of the road re-route suggesting that other parties be canvassed for a price which may be more competitive.

It was agreed the next meeting would be held at FPC in September.

22 August - The Clerk and I attended a meeting with Zhana Vincent and Stewart Chandler from the IW Council outside the Albion Hotel to discuss the TRO which has been agreed on the road in front of the Hotel. We were informed at the meeting that Zhana had met with Cllr Medland at the site in October 2023. Emails had been sent to the Parish Council but these emails had been sent to the Clerk from October onwards and therefore likely to have not been seen by Heather Rowell as she was away from her post. Below is the response from Zhana following our meeting:

As explained, the restriction to park in front of Albion hotel will apply all year round (DYLs) in front of the hotel, and from 10am to 6pm during the high season only (SYLs) at the layby opposite the hotel. Loading unloading can take place on the DYLs, the BB holders will be able to also park on those lines for up to three hours. The lifeboat access will be protected by a white Access Protection Bar (as illustrated in the plan below, please note, the extent of the bar is only approximate).

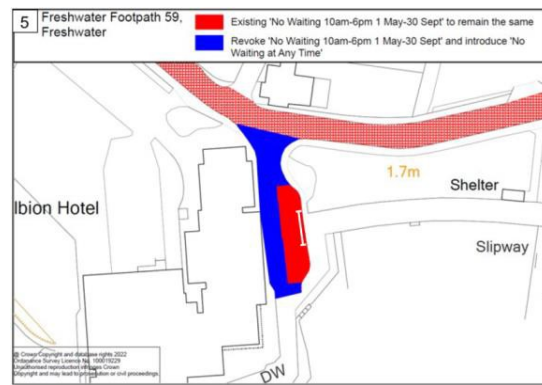
The proposal is regulating the parking whilst ensuring safety and access to the bay.

We are glad that the proposal is in line with the Parish Council’s desire to keep the access to the bay for the local residents along with the ability to launch sports equipment, but in a safer manner.

Following the implementation of the proposal, we will start the process of aligning the hours of the location to the at the layby. prohibition of driving in that times of operation of the SYL

The next step update the cabinet for a available

It was noted Hotel wall question had any time”. We were informed that these signs were not official signs and that the issue would be reported to the relevant IW Council department.



in the process would be to cabinet report and offer it to the final decision at their first meeting.

on the site visit that the Albion opposite the road area in signs indicating “no parking at

22 August - I attended a Zoom meeting for Councillors (not Teams as advertised) hosted by the CO2 Pipeline team. The meeting was attended by about 16 people including Councillors from the mainland. We were given a presentation and then permitted to ask questions about the project. The questions we were able to receive answers to were limited to the pipeline proposed routes where they crossed land. We did not receive answers to questions that related to the Fawley site, the crossing of the pipe across the Solent or answers that involved the pipe once it left the Island. The Team stated their preferred option was to cross the Island. There is another Zoom meeting for Councillors scheduled for 4th September.

27 August - Cllr Bamford and I attended a photoshoot outside of Hose Rhodes Dickson to promote the Skatepark project. The estate agents have given £1000 to the project. I would like to express my personal thanks to them for this generous donation. We were joined by a lovely local family of skateboard enthusiasts. Thank you to Paul Blackley for taking the photoshoot.

2 September - Councillors will by this meeting have attended the funeral of Clive Fleury, a former Chair of the Parish Council. Councillor Fleury was the man who encouraged me to join the Parish Council. I give thanks for a man who was kind and always made time to speak with me as we walked across the park. Sometimes that journey took a few minutes, sometimes half an hour, but those walks were always a conversation about the future of the Parish. Thank you Clive.

## 7. **CLERK'S REPORT (CIRCULATED TO COUNCILLORS).**

### **General Power of Competence**

We do not currently hold the General Power of Competence this is because less than two-thirds of Councillors have been elected and this was confirmed at the Annual Meeting of the Parish Council in May 2024. The General Power of Competence (localism Act 2011 Sections 1-8) The General Power of Competence allows a council to do anything that an individual may do without breaking the law it is known as the 'power of first resort'. For example, the council can lend money, trade, set up a company etc, and this can be outside of the parish.

Without the General Power of Competence the Parish Council has to rely solely on legislation that sets out the powers, duties and responsibilities of the Parish Council. This legislative framework enables Freshwater Parish Council to maintain its assets fulfil its role as Parish Council.

For Example:

- Under Section 137(4) of the Local Government Act 1972 the parish council can incur expenditure that they believe is in the best interest of the community they serve and will bring benefit to the inhabitants of the parish, if it is within their power to do so. The total allowed must not exceed the total electorate multiplied by the annual statutory limit per electorate which for 2024/25 is £10.81 [Government informs NALC of Section 137 expenditure limit for 2024/25 - News](#) Freshwater Parish Council who has an electorate of 4825 this equates to £52,158.25.

### **West Wight Heritage Centre**

The land registry title has been returned to the owner of the property.

### **Parish Council Insurance**

Following 3 quotes for the parish insurance we have remained with Zurich who have provided the best value for money and cost effective renewal price.

### **Memorial Hall Courtyard Works**

The works on the courtyard drainage have been completed.

### **Local Council Tax Support Scheme**

A consultation is under way in respect of the Local Council Tax Support Scheme managed by the Isle of Wight Council if Councillors would like to respond.

### **Register of Interests**

Councillors Register of Interests have been temporarily removed from the Freshwater Parish Council website, following concerns by some Councillors that home addresses were in the public domain. I have spoken to the Monitoring Officer about this, who has said "I am happy to regard home addresses as being capable of being sensitive interests. We need,

however, to be clear as to which councillors wish their home addresses to be private and why.”

It was proposed by the Chair that all Cllrs withhold their home addresses to protect the anonymity of Cllrs who feel vulnerable because their home addresses are in the public domain (EC/BH). It was agreed with three abstentions.

**8. CORRESPONDENCE.**

The Chair raised her concerns about a flyer that had been delivered in the village promoting meetings including Parish Council meetings, it was noted that this flyer had not been distributed by the Parish Council.

The Clerk read out an email from Neil Aplin Chair of Freshwater Bay Residents Association (as he requested) raising his concerns about the decision-making processes of the Parish Council. Cllr James proposed arranging a meeting with Mr Aplin and Freshwater Bay Residents’ Association. There was a short break in proceedings from 8.39pm to 8.52pm Cllr James repropose his suggestion of a meeting with Mr Aplin following the break. This was agreed.

Cllr Kennett left the meeting after this proposal at 8.54pm.

It was agreed to circulate the Parish Council’s Regulation 19 Submission to all Councillors.

**9. TO AGREE ACCOUNTS FOR PAYMENT - LIST CIRCULATED TO COUNCILLORS FOR INFORMATION.**

Accounts were agreed and accepted (AB/BH) with one abstention.

**10. TO AGREE COMMUNITY AWARDS PROPOSAL – CLLR COX**

This item was deferred to the next full Parish Council Meeting.

**11. a) TO AGREE THE PARISH COUNCIL VIEW ON THE PROPOSED SOLENT CO2 PIPELINE PROJECT.**

It was agreed that the Parish Council object to the pipeline supporting the comments of National Landscapes (DJ/BH).

**b) SUBJECT TO a) SHOULD THE PARISH COUNCIL OFFER A PARISH LED PETITION.**

It was agreed to promote the online petition that is politically neutral. (CJ/BH). With one abstention.

**12. PROPOSAL TO CONSIDER WHETHER FPC WILL RESPOND TO THE GOVERNMENT NPPF CONSULTATION SEPTEMBER 2024 – CLLR COX.**

It was agreed to add this to the agenda for the next Planning Meeting on the 17<sup>th</sup> September (EC/DJ).



**13. FRESHWATER PARISH COUNCIL RESTRUCTURING COMMITTEES AND APPOINTMENTS FOR PARISH COUNCIL PROPOSALS.**

This item was deferred to the next Parish Council Meeting.

**14. TO ACCEPT THE FOLLOWING REPORTS:**

**a) SKATE PARK AND MUGA COMMITTEE – CLLR JAMES**

**b) LAND MANAGEMENT COMMITTEE – CLLR BRAY**

**c) BOAT PARK COMMITTEE – CLLR KENNETT**

**d) LIBRARY COMMITTEE – CLLR WHYTE**

**e) RATIFY THE LIBRARY COMMITTEE TERMS OF REFERENCE – CLLR WHYTE**

This item was deferred to the next Parish Council Meeting.

**15. TO AGREE A LETTER TO THE ISLE OF WIGHT COUNCIL IN RESPONSE TO THE REGULATION 19 CONSULTATION.**

It was proposed and agreed that our draft comments are shared with the Isle of Wight Association of Local Councils, So that it can be combined with the comments from other Councils. (CJ/AB)

**16. TO AGREE A WORKING GROUP TO REVIEW THE LEASE ARRANGEMENTS WITH MHALCo.**

This item was deferred to the next Parish Council Meeting.

**17. TO AGREE THE VEXATIOUS POLICY.**

This item was deferred to the next Parish Council Meeting.

**18. TO AGREE A PREFERRED PROVIDER PROCESS FOR LAND MANAGEMENT WORKS.**

This item was deferred to the next Parish Council Meeting.

**19. TO AGREE PROPOSED FUTURE AGENDA ITEMS FROM COUNCILLORS**

- The Closure of My Dentist in Freshwater

The meeting closed at 9.26pm.